

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GUYLAND DESHEAY WASHINGTON,

No. 2:21-cv-1072 JAM AC P

Petitioner,

v.

THERESA CISNEROS,

Respondent.

ORDER

Petitioner, a state prisoner proceeding in forma pauperis and with counsel, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 1, 2021, petitioner filed a motion to stay and abey his federal habeas petition pursuant to Rhines v. Weber, 544 U.S. 269 (1995) and Pace v. DiGuglielmo, 544 U.S. 408 (2005) in order to exhaust state court remedies with respect to what he states are two constitutional issues. See generally ECF No. 8 at 3-9. In the motion, petitioner further asserts that the resolution of either issue in his favor will render these proceedings moot. See id. at 2-3.

Respondent has no objection to the stay, and in light of the motion, has asked the court to vacate its June 25, 2021, order which has directed her to file a response to the petition within sixty days. See ECF Nos. 3, 11. The court has reviewed the parties' filings and finds that the grant of a stay and the vacation of its June 2021 order are appropriate.

1           Accordingly, IT IS HEREBY ORDERED that:

2           1. Petitioner's motion to stay the petition and hold it in abeyance while he exhausts  
3 remedies in state court (ECF No. 8) is GRANTED;

4           2. Respondent's request to vacate the court's June 25, 2021, order which directs her to  
5 file a response to the petition within sixty days (ECF No. 11) is GRANTED;

6           3. The court's order, issued June 25, 2021, which directs respondent to file a response to  
7 the petition within sixty days (ECF No. 3), is VACATED;

8           4. From the date of this order, petitioner shall file a brief status report with the court  
9 every ninety days informing it of the status of the state court exhaustion proceedings. This shall  
10 be done until the state proceedings are final, and

11           5. Once the state court proceedings are final, petitioner shall immediately file a notice of  
12 exhaustion with the court.

13 DATED: August 27, 2021

  
14 ALLISON CLAIRE  
15 UNITED STATES MAGISTRATE JUDGE

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